

Article - Natural Resources

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§4-11A-16.1.

(a) Subject to subsection (b) of this section, a person who willfully, negligently, recklessly, wrongfully, or maliciously enters any area leased to another person under this subtitle to harvest, damage, or transfer shellfish or to alter, damage, or remove any markings or equipment is liable to the leaseholder or any agent, employee, business partner, or contractor of the leaseholder for damages in an amount of:

(1) Three times the value of the shellfish harvested, damaged, or transferred;

(2) The actual restoration costs for the leased area and any altered, damaged, or removed markings or equipment; and

(3) Any attorney fees or court costs incurred by the leaseholder or any agent, employee, business partner, or contractor of the leaseholder in the matter.

(b) Subsection (a) of this section does not apply to a person engaging in aquaculture activity on a leased area in accordance with the terms and conditions of:

(1) A shellfish aquaculture harvester registration card that is in the person's possession; or

(2) An operator card that is in the possession of the person or another person present in the lease area.

(c) On the request of a law enforcement officer, a person who enters an area leased to another person under this subtitle and engages in any act specified in subsection (a) of this section shall display a shellfish aquaculture harvester registration card or an operator card for the lease area.

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